

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1815 (S/B) of 2002

Narendra Singh Bisht S/o Sri Ram Singh Bisht,
R/o Zila Parishad Compound, Rudrapur, Distt. U.S. Nagar

..... Petitioner

Versus

1. State of Uttaranchal through Secretary Panchayati Raj Vibhag, Uttaranchal Shasan, Dehradun
2. Public Service Commission, Uttaranchal, Hardwar through its Secretary

.....Respondents

**Sri Manoj Tewari, learned counsel for the petitioner.
Learned standing counsel for the respondents.**

**Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.**

Dated: March 21, 2006

By means of this writ petition, the petitioner has prayed for the following reliefs:-

- A. To issue writ order or direction in the nature of mandamus restraining the respondents from making any appointment to the post of Engineer pursuant to the selection process notified vide Advertisement No.A-3/E-1/2002-2003 published on 28.07.2002.
- B. To issue writ order or direction in the nature of mandamus restraining the respondents from holding any selection to the post of Engineer in violation to the provisions contained in the U.P. Zila Parishads (Central Transferable Cadre) Rules, 1996.

- C. To issue writ order or direction in the nature of mandamus commanding Respondent No. 1 to forthwith initiate promotion exercise for filling the vacancies on the post of Engineer under promotion quota and to give promotion to persons serving in the feeder post from a deemed dates i.e. w.e.f. the recruitment year in which the vacancies had occurred.
- D. To issue any other suitable writ order or direction which this Court may deem fit and proper in the facts and circumstances of the case.
- E. To award the cost of the writ petition to the petitioner.

2. Learned counsel for the petitioner submits that the Prayers No. A and B have been rendered infructuous in view of the fact that the selection on the post of Engineer has been taken place. The only grievance of the petitioner is that the process of regular promotion has not been made statutory though the direct recruits have been appointed. Delay in making the promotion in accordance with the Rules will unnecessarily give cause of dispute relating to seniority between the direct recruits and promotees, therefore, the respondents may be directed to start the exercise of promotion and comply it as early as possible.

3. Keeping in view the facts and circumstances of the case, the State Government is directed to fill up the posts to be filled up by promotion quota in accordance with the rules. The exercise shall be completed within a period of three months from the date of production of certified copy of this order.

4. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang